

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 1: Chama Mainstream

RANCHITOS DITCH

Subfile Nos. 4.1, 4.4

SUBFILE ORDER

THIS MATTER is before the Court following service upon Defendant Frances A. Martinez of a Notice and Order to Show Cause that proposed the determination of Defendant's water rights under Subfiles 4.1 and 4.4 in Section 1 of the Rio Chama Stream System. *See* Certificate of Service of Notice and Order to Show Cause filed October 18, 2006 (Doc. No. 8417); *see also* Order Granting Motion for Approval of Form of Order to Show Cause filed October 13, 2006 (Doc. No. 8410).

The Court now Finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, the Defendant and the subject matter of this suit.
2. The Defendant has filed no objection to the proposed determination of the Defendant's water rights under Subfiles 4.1 and 4.4 as described in the Notice and Order to Show Cause.
3. There is no just reason for delay for the entry of a final judgement as to the elements the Defendant's water rights adjudicated by this Order.

4. The right of the Defendant to divert and use the public waters from the Rio Chama Stream System, Chama Mainstream, Section 1, for irrigation purposes under Subfiles 4.1 and 4.4 is set forth below:

FRANCES A. MARTINEZ

Subfile No. 4.1

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: 1735

Source of Water: La Cienega de Don Simon, a tributary of the Rio Chama

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: RANCHITOS DITCH

Location: X= 473,869 feet Y= 1,890,256 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1927

Location and Amount of Irrigated Acreage:

Within the Town of Abiquiu Grant	<u>9.84</u>	acres
Total	9.84	acres

As shown on the attached Hydrographic Survey Map for Subfile No. 4.1

Amount of Water: Not to exceed three (3) acre-feet per acre per annum delivered at the farm headgate.

Subfile No. 4.4

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: 1735

Source of Water: La Cienega de Don Simon, a tributary of the Rio Chama

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: RANCHITOS DITCH

Location: X= 473,869 feet Y= 1,890,256 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1927

Location and Amount of Irrigated Acreage:

Within the Town of Abiquiu Grant 0.40 acres

Total 0.40 acres

As shown on the attached Hydrographic Survey Map for Subfile No. 4.4

Amount of Water: Not to exceed three (3) acre-feet per acre per annum delivered at the farm headgate.

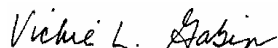
IT IS THEREFORE ORDERED that the rights of the Defendant to divert and use the waters of the Rio Chama Stream System, Section 1, are as set forth herein. The Defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 1, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Subfile Order as a final judgment as to the elements of the Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of a final decree in this proceeding.

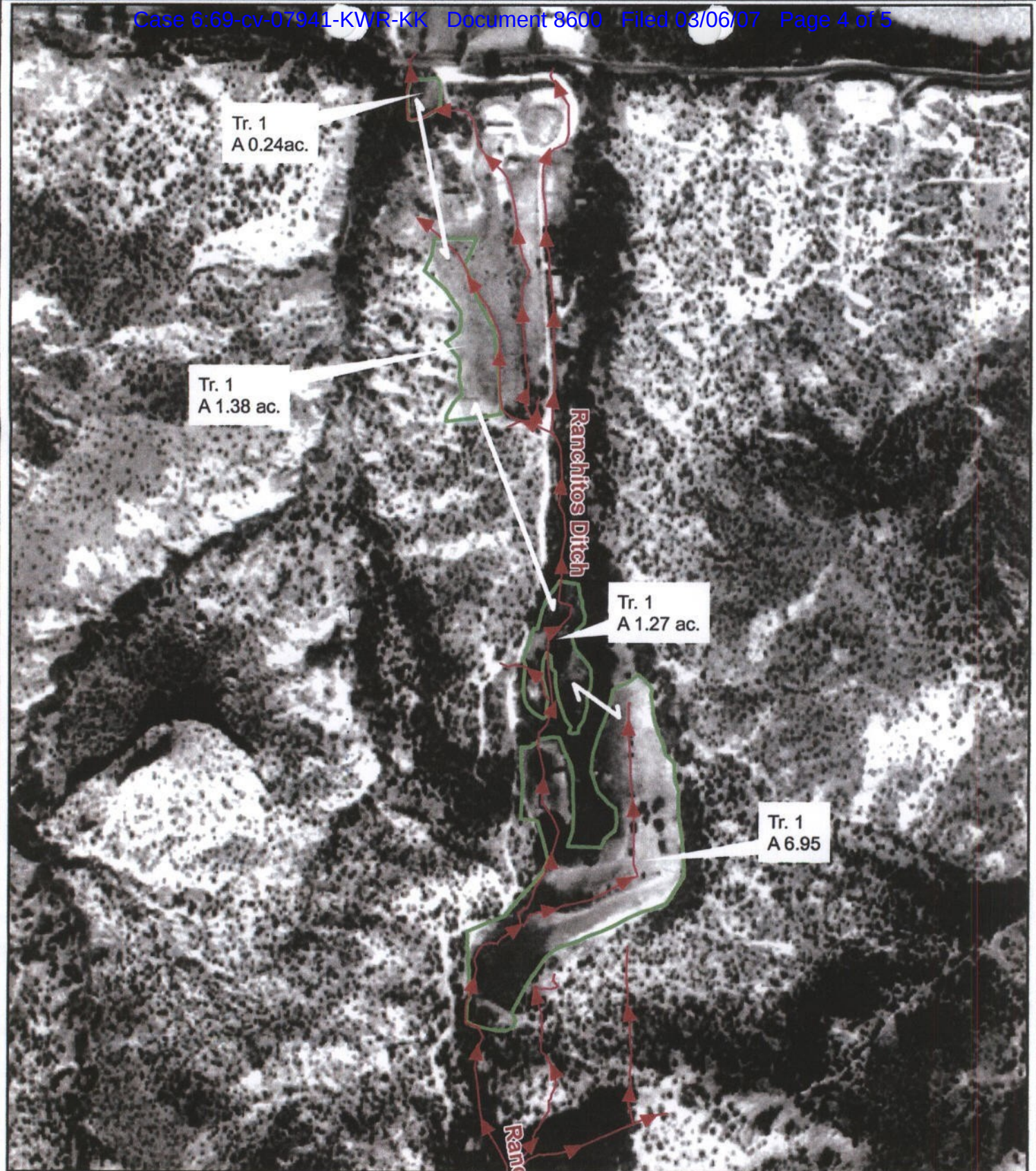


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for Approval:

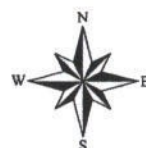


VICKIE L. GABIN
SPECIAL MASTER



LEGEND

- | | | | |
|--|--------------------------|---|--------------------|
|  | Irrigated Tract Boundary |  | Point of Diversion |
|  | No Right Tract Boundary |  | Well |
|  | Seeped Area |  | Spring |
|  | Operable Ditch |  | Fallow |
|  | Inoperable Ditch |  | No Right |
|  | Stock Roads / Drainage | | |



1 inch = 400 feet

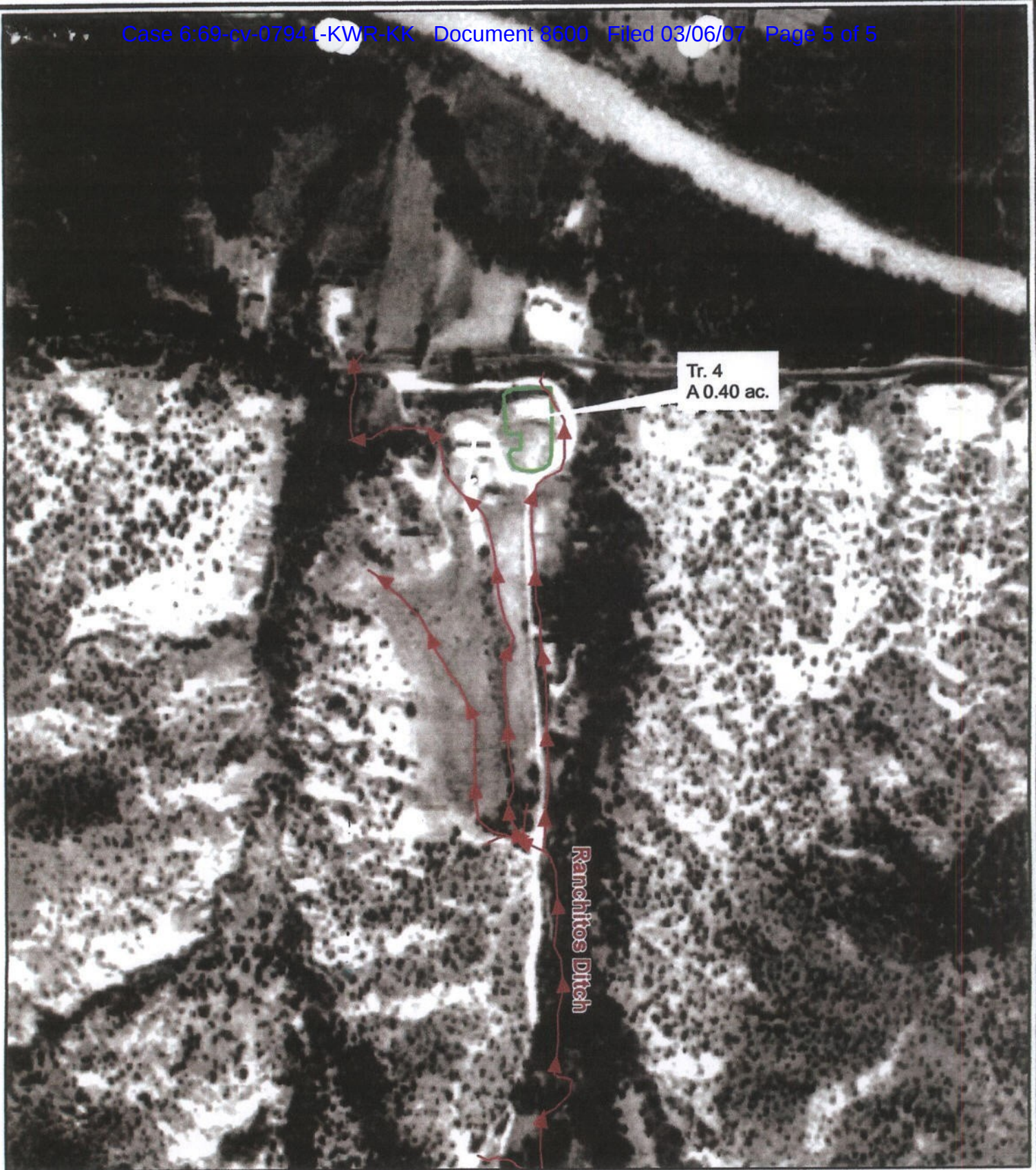
0 200 400 Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer






Rio Chama Hydrographic Survey
Section 1, Chama Mainstream

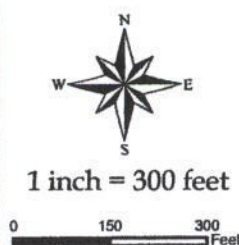
Portion of
 Map Sheet 4
 Tr.1
 Ranchitos Ditch
 AMENDED
 January 10, 2006





LEGEND

- | | |
|---|--|
|  Irrigated Tract Boundary |  Point of Diversion |
|  No Right Tract Boundary |  Well |
|  Seeped Area |  Spring |
|  Operable Ditch |  Fallow |
|  Inoperable Ditch |  No Right |
|  Stock Ponds / Reservoirs | |



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State Engineer

Rio Chama Hydrographic Survey
Section 1, Chama Mainstream

Portion of
Map Sheet 4
Tr.4
Ranchitos Ditch
AMENDED
January 10, 2006

